

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PHILIP BERNARD BALDWIN,

Plaintiff,

v.

**ORDER**  
04-CV-831S

HONORABLE LES BROWNLEE,  
Secretary of the Army,

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Defendant.

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1. Plaintiff, acting *pro se*, commenced the above-captioned case on October 12, 2004, by filing a Complaint in the United States District Court for the Western District of New York.

2. On January 14, 2005, Defendant filed a Motion to Dismiss Plaintiff's Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure or for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

3. On June 20, 2005, Plaintiff filed a Motion to Withdraw his Complaint.

IT HEREBY IS ORDERED that Plaintiff's Motion to Withdraw his Complaint (Docket No. 16) is GRANTED.

FURTHER, that Defendant's Motion to Dismiss and/or for Summary Judgment (Docket No. 9) is DENIED AS MOOT.

FURTHER, that Plaintiff's case is DISMISSED.

FURTHER, that the Clerk of the Court is directed to take the necessary steps to close this case.

SO ORDERED.

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge

Dated: July 9, 2005  
Buffalo, New York